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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,358	05/02/2001	Yukihiko Nansho	01309.00012	3942

22907 7590 02/04/2004

BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

EXAMINER

THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/846,358

Applicant(s)

NANSHO, YUKIHIKO

Examiner

Marissa Thein

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission received on October 2, 2003 has been entered.

### ***Response to Amendment***

Applicant's "Amendment" received on October 2, 2003 has been considered.

Claims 9, 11, 13, and 15 are amended. Claims 9-16 are pending and an action on the merits of these claims follows.

### ***Response to Arguments***

Applicant's arguments with respect to claims 9-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 9, 11, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,854,746 to Yamamoto et al.** Yamamoto discloses a processing system, an output unit and output method comprising:

- receiving and storing information from a material supplier regarding available material based on specification requirements and date of delivery of material, the specification requirements being presented by a manufacturer who supplies the commodity to the demander (see at least col. 4, lines 42-66; col. 5, lines 21-25; col. 5, lines 45-62; col. 5, line 65 – col. 6, line 17; col. 11, line 45 – col. 12, line 8; col. 12, lines 16- 32; col. 15, lines 58-63; col. 19, lines 60-67);
- storing and receiving information on available processing corresponding to the specification requirements and time of delivery of the processing (see at least col. 5, lines 65-62; col. 5, line 65 – col. 6, line 17; col. 11, lines 45 – col. 12, line 8; col. 19, lines 60-67);
- inputting information on desired material and desired processing for constructing elements constituting a commodity (see at least col. 4, lines 42-66; col. 5, lines 21-25; col. 5, lines 45-62; col. 5, line 65 – col. 6, line 17; col. 11, line 45 – col. 12, line 8; col. 12, lines 16- 32); and
- outputting information the available material and the available processing corresponding to the input information on the desired material and the desired processing, and general date of delivery of a commodity based on the date of delivery of the material and the time of delivery of the processing (see at least col. 4, lines 42-66; col. 5, lines 21-25; col. 5, lines 45-62; col. 5, line 65 – col. 6,

Art Unit: 3625

line 17; col. 11, line 45 – col. 12, line 8; col. 12, lines 16- 32; col. 15, lines 58-63; col. 19, lines 60-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,854,746 to Yamamoto et al. in view of the article "Earth-friendly good".** Yamamoto substantially discloses the claimed invention, however, it does not explicitly disclose the thinned-out woods. However, Yamamoto discloses raw materials (see at least abstract and summary of invention). Yamamoto does not disclose that his raw material is specifically is thinned-out wood. The article "Earth-friendly good" teaches the raw material is thinned-out wood. (See whole article)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system, method, and unit of Yamamoto, to include the thinned-out woods, in order to provide an order with reference to the raw material, such as thinned-out woods, attributes so that the raw materials can be made available in amounts just necessary and sufficient for current production needs without the disadvantage of placing an unnecessary order (Yamamoto col. 4, lines 60-67).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,325,304 to Aoki discloses a production instructing apparatus which is designed to produce products in proper quantities in compliance with a received order and under the producing capacity thereof.

U.S. Patent No. 6,088,626 to Lilly et al. discloses a computerized system for scheduling work orders for manufacturing products in a manufacturing process.

U.S. Patent No. 6,415,194 to Gleditsch et al. discloses a computer system and methods used in manufacturing resource planning, specifically for determining the daily demand for raw materials and other manufacturing resources used in manufacturing process.

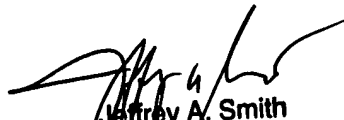
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mtot  
January 23, 2004



Jeffrey A. Smith  
Primary Examiner